

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

MARIBEL XIRUM, *et al.*, on behalf of  
themselves and all others similarly situated,

*Plaintiffs,*

v.

U.S. IMMIGRATION AND CUSTOMS  
ENFORCEMENT, *et al.*,

*Defendants.*

No. 1:22-cv-00801-TWP-KMB

Chief Judge Tanya Walton Pratt

Magistrate Judge Kellie M. Barr

**CLASS ACTION**

**PLAINTIFFS' MOTION TO MAINTAIN DOCUMENTS UNDER SEAL**

Pursuant to [Local Rule 5-11\(d\)](#), Plaintiffs respectfully request that the Court maintain Exhibit A to Plaintiffs' Memorandum of Law in Support of Second Motion to Compel Completion of Administrative Record under seal, pending a response from the designating parties stating whether the Designated Documents may be publicly filed or, if not, why they should be maintained under seal. In support of this motion, Plaintiffs state the following:

1. On December 30, 2024, Counsel for the United States Immigration and Customs Enforcement ("ICE"), the Department of Homeland Security ("DHS"), and the named DHS and ICE officials (collectively, the "Federal Defendants"), sent Plaintiffs an Administrative Record containing documents for this Court's review of Count III and IV of Plaintiff's Amended Complaint.
2. The Federal Defendants supplemented the Administrative Record in May 1, 2025.
3. On June 11, 2025, Plaintiffs filed a Second Motion to Compel Completion of Administrative Record.

4. In support of the Second Motion to Compel Completion of Administrative Record, Plaintiffs submitted as Exhibit A excerpts of the Administrative Record, which includes pages that the Federal Defendants marked as “Confidential” under the Uniform Stipulated Protective Order in this case, *see* [Filing No. 90](#) (“Protective Order”).

5. Section II of the Protective Order provides that only certain limited categories of information qualify as “protected information,” such as “[p]ersonally identifying information of individuals detained by U.S. Immigration and Customs Enforcement,” “[i]nformation contained in the files of detained individuals (e.g., ‘A Files’) that would be protected by the Privacy Act,” “[i]nformation pertaining to applications for asylum or withholding of removal,” “[s]ensitive, non-public law enforcement records or information that satisfies one of the exemptions under [FOIA],” “[n]on-public records or information exempt from public disclosure under Indiana Code § 5-14-3-4,” “[r]ecords or information that could compromise the safety and security of law enforcement personnel and systems,” and federally protected “[h]ealth information.” *See* [Protective Order at 1–3](#).

6. Designating documents as “Confidential” under the terms of the Protective Order, moreover, is not alone sufficient to maintain a document under seal. *See* [S.D. Ind. Local R. 5-11\(d\)\(2\)](#).

7. Under [Local Rule 5-11\(d\)\(4\)](#), the burden is on the designating parties to demonstrate why the Designated Documents should be maintained under seal.

8. Plaintiffs requested that the Federal Defendants identify the confidential information that they believe should be redacted from the documents in Exhibit A so that Plaintiffs could avoid filing the documents under seal in accordance with Local Rule 5-11(c). However, Federal Defendants were unable to confirm what redactions they believe are necessary

prior to the filing deadline. Plaintiffs have therefore filed the documents under seal to allow Federal Defendants to respond as to whether the documents need to be maintained under seal.

WHEREFORE, Plaintiffs request that the Court maintain Exhibit A to Plaintiffs' Memorandum of Law in Support of Their Second Motion to Compel Completion of the Administrative Record under seal pending a response to the Motion To Maintain Documents Under Seal by Defendants.

Dated: June 11, 2025

By: /s/ John M. Skakun III

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**CERTIFICATE OF SERVICE**

This certifies that I caused a copy of the foregoing to be served on all parties' counsel of record through the Court's CM/ECF system.

/s/ John M. Skakun III  
John M. Skakun III